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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,992	01/30/2001	Joseph Siegrist	9506-004-27	8465

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Washington, DC 20036-2412

EXAMINER
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SHEW, JOHN

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/771,992

Applicant(s)

SIEGRIST ET AL.

Examiner

John L. Shew

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4,5,6</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Page 6 line 21 cites "web servers 140,142" should be "web servers 141, 143".

Page 7 line 11 cites "terminal 132" should be "terminal 130".

Page 7 line 13 cites "web page an icon" should be "web page and icon".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. in view of Kredo et al. and Pommier et al.

Claim 1, Thornton teaches establishing a telephone call from an end user computer (FIG. 1, column 9 lines 51-63) referenced by computers connected to Ethernet LAN 45, connected to a packet network (FIG. 1) referenced by Data Packet Network 30, to a telephone connected to a public switched telephone network (FIG. 1) referenced by PSTN 20, the telephone call being routed through a gateway (FIG. 1) referenced by Gateway 200, connected to the packet network (FIG. 1) referenced by Data Packet Network 30, and the public switched telephone network (FIG. 1) referenced by PSTN 20, the gateway being operable to convert digital voice data packets received from the end user computer on the packet network (FIG. 2) referenced by Gateway 200 Ethernet Network Transceiver unit 255, to analog form for transmission over the public switched telephone network (FIG. 2) referenced by Gateway 200 T1/E1 Transceiver Framer unit 260, and to convert analog signals received from the telephone to digital voice data packets for transmission to the end user computer (FIG. 2) referenced by the reversal of T1/E1 Transceiver Framer unit 260 and Ethernet Network Transceiver unit 255, receiving a DTMF signal at the gateway (FIG. 12, column 43 lines 1-9) referenced by signaling information to the gateway in the form of DTMF tones, transmitting a command message from the gateway to the end user computer (column 43 lines 9-12) referenced by H.225 command message to gatekeeper of telephony endpoints on a computer LAN.

Thornton does not teach a telephone generating a DTMF signal. Kredo teaches generating a dual tone multi-frequency signal at the telephone (Page 1 column 1 paragraph [0005]) referenced by the telephone set generating a series of DTMF tones. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a telephone with DTMF capability as taught by Kredo with the VOIP gateway of Thornton for the purpose of sending desired information.

Thornton and Kredo do not teach remotely controlling a media setting. Pommier teaches remotely changing a media setting at the end user computer in response to a command message (FIG. 5, column 1 lines 7-13) referenced by a remote mouse controlling the setting of the display at the host end user computer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a remote control mouse capability as taught by Pommier with the DTMF commands over the VOIP gateway of Thornton and Kredo for the purpose of sending desired control information to the remote end.

Claim 2, Thornton and Kredo do not teach changing a media setting to a predetermined value. Pommier teaches media setting is changed to a predefined value (FIG. 6, column 6 lines 30-43) referenced by the acceptance of only a valid annotation input sequence implying a predetermined value for acceptance.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a remote control mouse capability as taught by Pommier with the

DTMF commands over the VOIP gateway of Thornton and Kredo for the purpose of sending desired control information to the remote end.

Claim 3, Thornton teaches the command message is included in a voice data packet sent from the gateway to the end user computer (column 5 lines 31-47) referenced by the command information H.323 messages embedding command information in a "nonstandard Data" field which is inclusive of voice data since the standard data only bears control signaling information.

Claim 4, Thorton teaches the command message is included in a packet that does not include any voice data (column 5 lines 1-10) referenced by the use of commands via H.323 protocol which does not include voice data.

Claim 5 is rejected by claim 1 above, and further Thorton teaches encoding the signal in a digital voice data packet (FIG. 2m column 12 lines 45-63) referenced by the Transceiver/Framer encoding payload information such as digitized voice and/or signaling information, transmitting the digital voice data packet to the end user computer (FIG. 1, column 9 lines 51-63) referenced by the connection of Telephone 16 to LAN 45 inclusive of an end user computer.

3. Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton, Kredo and Pommier as applied to claims 1-5 above, and further in view of Kuo et al.

Claims 6-13, Thornton, Kredo and Pommier teach a VOIP telephony gateway connection using DTMF signaling for remote control of media settings. They do not teach the media setting of microphone volume, speaker volume, echo suppression, echo cancellation, speaker balance, speaker bass, speaker treble nor microphone mute.

Kuo teaches a media setting of microphone volume (FIG. 1) referenced by MIC IN 38 with adjustment 39, a media setting of speaker volume (FIG. 1) referenced by Volume Adjust 33, a media setting of echo suppression (FIG. 1) referenced by Echo Adjust 36, a media setting of echo cancellation (FIG. 4A) referenced by Echo/Reverb Vocal Enhancer 59, a media setting of speaker balance (FIG. 1) referenced by Balance Adjust 34, a media setting of speaker bass (FIG. 1) referenced by Treble/Bass Adjust 32, a media setting of speaker treble (FIG. 1) referenced by Treble/Bass Adjust 32, a media setting of microphone mute (FIG. 1) referenced by Volume Adjust 33 set to the minimum value.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust media speaker capabilities as taught by Kuo with the remote control

via the VOIP gateway of Thornton, Kredo and Pommier for the purpose of modifying the audio characteristics to coincide with the audio range of the speaker.

4. Claims 14, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton, Kredo, Pommier and Kuo as applied to claims 1-13 above, and further in view of Frese II et al.

Claim 14, Thornton, Kredo, Pommier and Kuo teach remote control configuration of media speaker settings over a VOIP connection via a gateway.

Kuo teaches an operation to cause an audible tone at a predetermined volume to be produced by a speaker connected at the end user (FIG. 1, FIG. 6, column 9 lines 49-61) referenced by the playing of a prerecorded song in a natural frequency at the speaker 42, and adjust a media setting in accordance with a parameter of a sound corresponding to the audible tone detected by a microphone connected to the end user (column 9 lines 58-68, column 10 lines 1-10, column 11 lines 3-17) referenced by the CPU comparison of the detection performer's audio to the natural key signature to adjust the prerecorded frequency range through control signals effecting echo-reverberation.

They do not teach downloading of an applet. Frese teaches downloading an applet to an end user computer (Abstract lines 1-7, column 5 lines 15-24) referenced by the downloading of the Remote Display Module across the network to the user system,



executing the applet at the end user computer (Abstract lines 1-7) referenced by the execution of the RDM on the user system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to download an applet to an end user computer to adjust media capabilities as taught by Frese to the VOIP gateway remote control media adjustment of Thornton, Kredo, Pommier and Kuo for the purpose of providing software which is non-resident on the remote end user computer.

Claims 17-20, Kuo teaches a media setting of echo suppression (FIG. 1) referenced by Echo Adjust 36, a media setting of echo cancellation (FIG. 4A) referenced by Echo/Reverb Vocal Enhancer 59, a media setting of microphone volume (FIG. 1) referenced by MIC IN 38 with adjustment 39, a media setting of speaker volume (FIG. 1) referenced by Volume Adjust 33.

### ***Allowable Subject Matter***

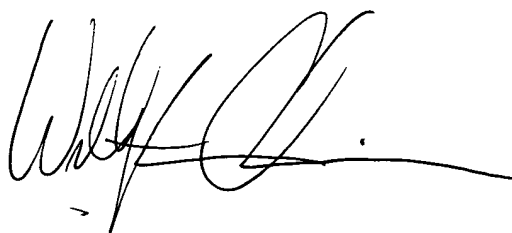
5. Claims 15, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

js

A handwritten signature in black ink, appearing to read 'John L. Shew', with a long horizontal line extending to the right.